

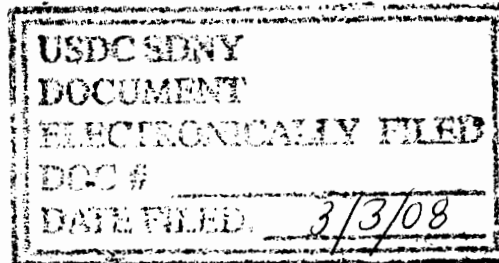
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Peter A. Cannito
President

MEMO ENDORSED



March 3, 2008



VIA FAX 212-805-6712

Magistrate Judge Kevin N. Fox
United States District Court
Southern District of New York
40 Foley Square - Room 540
New York, New York 10007

Re: Daniel Szaroleta v. Metro-North Commuter Railroad – 07 CV 7639 (DLC)(KNF)

Dear Magistrate Fox:

I represent the defendant, Metro-North Commuter Railroad, in the above referenced matter. This is the second letter I write to Your Honor regarding the settlement conference in the above referenced matter. As I mentioned in my last correspondence, the attorney assigned to this case is out on maternity leave and I requested an adjournment of the conference to conduct a defense physical examination of the plaintiff. Regretfully, because of an inordinately heavy trial schedule, we were unable to conclude this in time for the settlement conference that is currently scheduled for March 4, 2008.

We expect the medical report to arrive in approximately two weeks. Accordingly, the defendant respectfully requests another short adjournment of 30 days to complete the physical examination. We apologize to the Court for any inconvenience this may cause. The plaintiff's counsel, Marc Wietzke, Esq., has been gracious enough to consent to the adjournment. Thank you for your consideration.

Yours truly,

Jose R. Rios
Jose R. Rios
Special Counsel
212-340-2537

cc: Marc Wietzke, Esq. – by facsimile

3/3/08
Application granted.
The settlement conference,
previously scheduled for
March 4, 2008, will be held
on April 15, 2008, at 11:00 a.m.
SO ORDERED:

Clevin Nathaniel Fox
Hon. Kevin Nathaniel Fox
United States Magistrate Judge